Dr. Peter M. Leitner
Statement before the House International Relations Committee
May 12, 2004
10:30 a.m.

Mr. Chairman, members of the Committee, I would like to thank you for providing me the opportunity to testify before you today concerning the dangerous momentum to ratify the United Nations Convention on the Law of the Sea. This seriously flawed document was rightly rejected by President Reagan as it embodies a wide range of precedents, obligations, and restrictions that are deleterious to American national and economic security interests. Indeed, the Treaty and its many precedent setting provisions is a direct assault on the sovereignty of the United States and the supremacy of the Nation State as the primary actor in world affairs.

I am appearing before you today as a private citizen and author. Although I am a Senior Strategic Trade Advisor in the Office of the Secretary of Defense my views and statements are my own and do not represent the views of the Department or the U.S. government. I have also submitted to the Committee additional supplementary material regarding this complex and wide-ranging Treaty having been assured that it will be published as part of the record of this hearing.

Before I begin I would like to explain my bona fides. I became involved in Law of the Sea issues first as a student in 1973 and I have pursued the topic ever since. My first master's thesis was entitled: The Future of the Nation State (1975) an analysis of threats to sovereignty posed by the direction the Treaty was beginning to take as well as the rise of multinational corporations. The second thesis was entitled: The Impact of Manganese Nodule Exploitation Upon Less Developed Mineral Exporting Nations. This economic & engineering analysis was well received as a scene-setter for the struggles that were to come. The third thesis was a quantitative analysis entitled: Determinants of National Claims to Territorial Seas. This collection of analytical approaches to the Law of the Sea Treaty and its impacts landed me a job with the U.S. General Accounting Office where I was hired to be their expert on the treaty.

In 1976 GAO was requested by several Committee Chairmen to independently report on the status of negotiations as they were deeply distrustful of the official delegation reports authored by the State Department. As a result, I attended many of the negotiating sessions in New York and Geneva as an observer attached to the US delegation. I joined the U.S. delegation in 1977 and reported regularly to Congress on the state of negotiations through 1982. I was present in New York when the Reagan Administration's good faith attempt to make the Treaty acceptable was roundly rejected by a coalition of Developing and Communist nations.

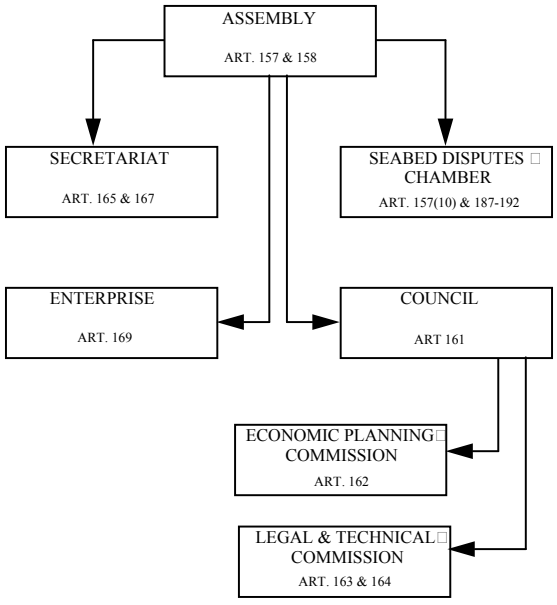
Since that time I have closely tracked the accession process and the development of the International Seabed Authority. Having long since left the General Accounting Office and transferred to the Department of Defense I became deeply involved in the Export Licensing process. In this capacity I was assigned a case whereby the People's Republic of China was using their status as a so-called "pioneer investor" in ocean mining to justify the acquisition of strategic/export-controlled technology under the guise of prospecting for manganese nodules in the mid-Pacific. Unfortunately, the level of technology they were attempting to acquire greatly exceeded the level of capability that either the United States or our industrialized allied used in undertaking such work. The quality of the side-scanning sonar, deep-ocean bathymetric

equipment, cameras, lights, remotely operated vehicles, and associated submersible technology provided them the capability to locate, reach, and destroy, or salvage early-warning and intelligence sensors vital to our national security. Additionally, such technology also imparted an offensive capability to our chief potential military adversary by enabling them to map any portion of the ocean or continental shelves to determine submarine routing schemes or underwater bastions where missile-launching or intelligence gathering submarines may operate undetected just off the U.S. coast.

The ultimate nightmare would be a close-in submarine launched cruise missile attack upon the continental U.S. to which we are completely vulnerable and defenseless. I fought a long and lonely battle to prevent the Chinese from acquiring this technology but the zealous advocates of the treaty in several government agencies saw to it that the technology was provided to the PRC so as not to undermine the "spirit of the treaty." This experience prompted me to write the book: Reforming the Law of the Sea Treaty: Opportunities Missed, Precedents Set, and U.S. Sovereignty Threatened. This volume is an analysis of the Treaty, the placebo 1994 Agreement, and the military, political and technological implications arising from them. I followed this publication with an article in World Affairs entitled: "A Bad Treaty Returns: The Case Against the Law of the Sea Treaty."

The American people have little to gain and much to lose by acquiescing in and supporting the creation of a new supergovernment – The International Seabed Authority (ISA) -- empowered to control access to the resources on and below the seabed, previously freely available to us under customary international law. American foreign policy suffered a self-inflicted wound by taking the initiative, in 1970, by proposing the creation of this seagoing government that is now composed of a legislature, an executive, a judiciary, a secretariat, and several powerful commissions. The existence of such a new force, dominated by nations hostile to American interests is a fact that we must consciously reckon with not capitulate in.

The International Seabed Authority



The benefits to the United States of UNCLOS participation cannot be denied. They include guidelines on the management of fisheries, the environment, dispute settlement, and marginal improvements in freedom of navigation and overflight. While such issues seem impressive on the surface, their resolution was not a Herculean achievement nor are they critical to the economic health or physical security of the United States. Treaty supporters have trumpeted these successes as justification for U.S. accession to UNCLOS, while they have ignored or downplayed serious precedential and strategic issues, engaging in what theologians call adiaphora -- or dwelling on things that are unimportant. A good rhetorician will attempt to sidetrack a discussion away from substantive issues if they do not support his argument and onto adiaphorous issues. The "real" issues presented by accession to UNCLOS have been little discussed since 1982, and they are being sidestepped today in an effort to "sell" the 1994 Agreement as a panacea that purportedly "fixes" what was wrong with the treaty. Unfortunately, this panacea is in reality a smokescreen.

Treaty supporters within the United States now include a number of former treaty opponents who appear to have resigned themselves to a "this is the best deal we are likely to achieve" philosophy after the Clinton administration's failure to press hard for real change during the 1993-1994 "renegotiations". To cite that administration's weak negotiating skill or its failures to argue on behalf of basic U.S. national security interests in international fora makes a poor rationale for ratification of a treaty.

One-Sided Hearings

The one-sided hearings in the Senate Foreign Relations Committee earlier this year are the continuation of the undemocratic lengths Treaty supporters are willing to go, in order to secure ratification of this treaty. A similar anti-democratic tactic was employed in 1994 when Congress was about to review the infamous 1994 Agreement. At that time significant political pressure was applied to the Lockheed Corporation to force it to silence its opposition to the treaty and the 1994 Agreement. Lockheed, at that time, was one of the pre-eminent world leaders in the design and development of ocean mining technology and systems. As the story goes, at a 1994 interagency meeting where irritation was expressed over vocal treaty opponents, a naval officer volunteered to "take care" of Lockheed. At that time Lockheed was at a very delicate stage of its controversial merger with Martin-Marietta and extremely sensitive to external factors that could raise government objections to the merger. Reportedly, Lockheed personnel summoned by senior management were ordered to cease public criticism of the treaty. Congressional review could uncover the truth behind this scandal and expose the parties involved.

Supporters of the Treaty choose their witnesses well. Interestingly, the most vigorous supports of the Treaty are largely a constellation of narrow single interest groups who are willing to overlook Treaty shortcomings so long as their pet rock is included. Last week, in a debate sponsored by the Brookings Institution, we heard a representative of the petroleum industry, in part, explain their support for ratification of LOST. Simply stated it boiled down to this:

Under existing US law companies operating on the Outer Continental Shelf (OCS) pay approximately 16% in taxes to the USG while the tax rate for onshore production is 12 %. Under LOST, as currently written, a 7% tax will be assessed on production originating on the OCS beyond 200 nm from the coast. The oil industry sees this fact as one of the most compelling reasons for them to support ratification. What they failed to point out was that this

"royalty" or tax assessed by the ISA will not fall directly upon them but instead the US taxpayer is presented with the bill. Given the multinational character of many oil companies and the fact that the Treaty doesn't recognize coastal state sovereignty beyond 200 NM it is questionable whether the US will have a legal basis to tax entities operating in these areas and recoup monies paid to the ISA as a result of their activities. In addition, given the capability to engage in "slant" and "horizontal" drilling it is conceivable that resources within 200 nm of the US coast can be illegally tapped from operations conducted in areas under ISA jurisdiction.

The failure to adequately vet opposing points of view by credible witnesses still belies Senate claims to having held "comprehensive" hearings. Key companies with a direct stake in acquiring access to the hard minerals of the seabed were not heard from. These representatives of the US mining industry had profound concerns over the inadequate 1994 Agreement as it was nearing completion.

Where does the US Ocean Mining industry stand on LOST?

The concerns that Lockheed was prevented from expressing were, at least in part, covered by this overwhelmingly negative assessment of the Treaty put forth by the US ocean miners themselves after reviewing the final draft of the 1994 Agreement. On March 15, 1994, they stated:

> "The "Agreement" text does nothing to change industry's assessment that the trend in the negotiations will fail to produce a regime that can attract private investment in ocean mining.
>
> From an investor's standpoint, the "Draft Agreement on Matters Relating to Implementation of United Nations convention on the Law of the Sea's" proposed "fixes" to the problems of the convention are far too limited in scope. While the fixes attack a number of important problems, they leave the fundamental ideology, shape and policies of Part XI intact. The convention, even if the provisions of the "Draft Agreement" were controlling, would:
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> > *fail to provide assured access to qualified applicants because of ambiguities;*
> >
> > *create a privileged class of investor for pioneers and discourage new entrants;*
> >
> > *impose up-front training obligations on United States licensees;*
> >
> > *create the risk that unreasonable fees may be imposed on private investors;*
> >
> > *establish the International Seabed Authority, a novel, untested international organization possessing very broad discretionary powers. The Seabed Authority will be the first international organization with control and regulatory powers over a resource and with taxing powers over private persons.*
> >
> > *It will be partially controlled by countries whose interest is to make seabed mining impossible;*
> >
> > *establish an unnecessarily large and unwieldy bureaucracy, which is not subject to checks and balances;*
> >
> > *rely on decision making mechanisms that will promote gridlock;*
> >
> > *fail to provide investors with judicial and administrative due process;*

maintain the ideologically bankrupt concepts and policies of the so-called New International Economic Order;

encourage discrimination in favor of developing countries, which presumably includes joint ventures among and with developing countries;

provide for the creation of an "in-house" competitor, the "Enterprise," which would be the mining company operating arm of the Seabed Authority,

impose political and economic burdens on industry to assist in the establishment of competitors through the so-called "banking system" under which a miner must give half of its mine site to the Seabed Authority to be given to the Enterprise and developing countries;

provide advantages such as technology transfer to the Enterprise and developing country competitors, which could give them cost advantages over private investors; and

commit the United States to participation in the implementation of the convention regime and possibly major changes in the United States seabed mining law and program some years before the United States has decided to ratify or reject the convention.

Industry further stated: "Because of the overwhelming number of fixes that would be required, the licensees recommended in 1992 that the United States seek complete overhaul of Part XI. This approach was rejected by United States negotiators and by the U.N. process. The result is that the Secretary General's process is hurrying to adopt an approach that is at best ambiguous in form and substance. It is the view of the United States licensees that, if the present course is maintained, there will be no private investment in ocean mining exploration or production under the convention." They further noted: The "Draft Agreement" would resolve many of the "government issues," that is, the issues of concern primarily to governments, relating to control, governance, and precedent. These include financing of the Seabed Authority and decision-making in that organization, and production controls and government assistance, and amendment of the regime, but it leaves untouched the fundamental problem for the prospective investor, that is: the convention seabed mining regime continues to be a system of government ownership and political control over economic activity at a time when the world is turning away from centrally managed economics toward privatization and market oriented policies. Thus, the convention regime remains the victim of" "old think," which by its very nature would put privately financed seabed mining at a disadvantage in competition with both its regulator and land based mining.

Negotiating Failures and Ambiguities

While UNCLOS has effectively codified many aspects of traditional law and has successfully incorporated several modern issues, such as environment, fisheries, and coastal zone management, these can be regarded as "nice to have" accomplishments but are by no means essential to the political, economic, or military security of the United States. In fact, one of the principal reasons for the establishment of UNCLOS III was to resolve U.S. conflicts with several Latin American states over territorial sea claims in the Pacific Ocean and the repeated seizure of U.S. tuna boats and their crews. After more than ten years of UNCLOS III negotiations, and over twenty years of post-UNCLOS III experience, Nicaragua, Peru, Ecuador, and El Salvador still claim 200-mile territorial seas and refuse to become parties to the Convention.

What the convention actually means is problematic and engulfed in vast uncertainty and intentional ambiguity. Numerous ratifiers have entered reservations and interpretations that either suspend key provisions or impose their own selfish interpretation on the meaning of key concepts. In addition, 28 nations that have ratified the Treaty have not ratified the 1994 Agreement – that is a 20 percent failure rate at the outset. When one combines the reservations, interpretations, and lack of unanimity of the 1994 Agreement, and the impossibility of any effective US control over the behavior of the ISA at best you are left with anarchy. These developments do not serve the national, economic, or political security interests of the American people.

On the other hand, the regulatory, political, technological, economic, and possibly military concessions embedded in the treaty represent a set of potential threats and traps that the United States should not walk blithely into.

A Seat at the Table

The United States has once again approached a negotiation by "giving or offering a concrete, positive, material advantage in exchange for hypothetical concession of a negative activity; a tangible asset is sacrificed for a promise not to make trouble in the future; something measurable and manifest is traded for the promise of something unmeasurable and unverifiable." (Revel 1983, 249)

> This negotiating principle is part of a wider technique: *prior concession.* It consists of ceding in advance, even before negotiations begin, what should be the subject of the negotiations and which the West should propose at the end of the talks, not at the start, and then only in exchange for a carefully weighed and at least equivalent counterconcession. (Revel 1983, 249)

As with so many instances of profound diplomatic and intelligence failures, the United States is afflicted by the need for instant gratification, a blinding failure to recognize that many adversaries have a longer-term world view and are willing to accept incremental victories and absorb losses on the way toward their overall objective, a paralyzing State Department mindset that still sees a bad agreement as being preferable to no agreement, and a "through the looking glass" notion that defines leadership within the ISA as the casting of vetoes while trying to constrain anti-American excesses. These are the politics of defeat that will add more problems of survival to the long list being cowardly bequeathed to our next generation.

The current slogan being echoed by Treaty supporters is that "we need to have a seat at the table" to influence developments. Somehow supporters ignore the math of one "seat" among 150 seats, the power of the "one-nation one-vote" principle, and the overwhelmingly anti-American agenda of at least 120 of the 150 "seats". Having a "seat at the table" of a kangaroo court is not in the US national interest – it will not buy security, it will not buy good government, and it will not dissuade enemies of this nation from using yet another international forum and court system to weaken us further and it will not make the noose any less deadly.

Creating a Global Frankenstein

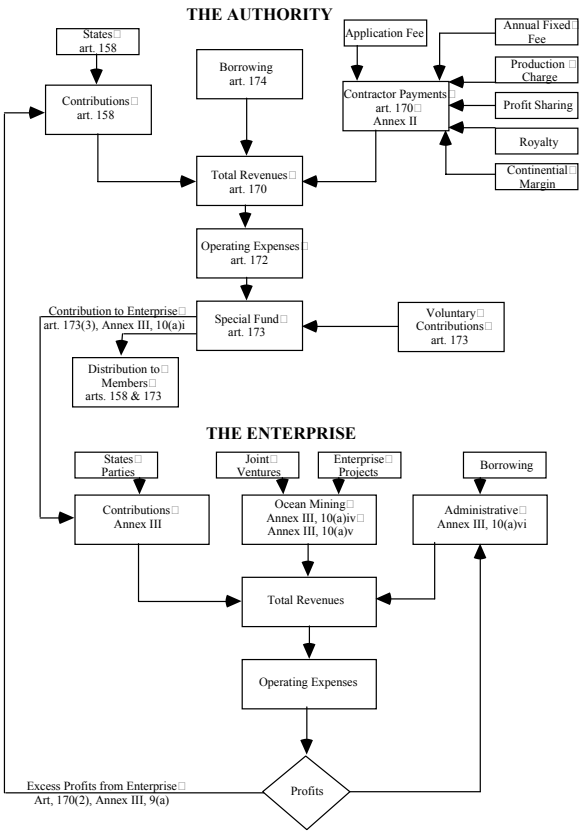
The many precedents embodied in the existence of the International Seabed Authority, the creation of an international bureaucracy with powers to tax, regulate, and enforce its will are

perhaps the most dramatic and, in the long term, the most dangerous. The granting of what are essentially sovereign powers is unprecedented and unfortunately fits within a larger pattern of U.N. behavior--that being, to free itself from the political domination of the five permanent members of the Security Council as well as to insulate itself from the uncertainties and political limitations accompanying the traditional state-sponsored financing of U.N. operations.

You may recall that during the 1990's, Secretary-General Boutros-Boutros Ghali proposed to establish a "world tax" on airline tickets and currency exchanges as an independent means of financing the U.N. "Faced with $2.3 billion in arrears from member nations that failed to pay their assessments—including $1.2 billion owed by the United States—U.N. officials and others have long sought an independent means to raise money for the organization's annual budget of roughly $3 billion." (Barber 1996) Disclosure of this plan provoked an immediate negative response in the U.S. Senate when then-majority leader Bob Dole stated "the United Nations continues its out-of-control pursuit of power" and along with colleagues called for an immediate investigation. (Barber 1996)

Unfortunately, the Law of the Sea Treaty goes far beyond the Ghalli plan and may indeed be viewed as a harbinger of future U.N. efforts to spin-off or reformulate its activities in such a way as to insulate itself from, and possibly become ascendant to, the sovereign character of nation-states. In fact, the unprecedented opportunities for the ISA to raise capital directly are depicted below:

Capital Flow of Authority/Enterprise



Technology at Risk

Although the 1994 treaty modifications have toned down some of the most direct mandatory technology transfer requirements, the treaty still places at risk some very sensitive, and militarily useful, technology which may readily be misused by the Navy's of ocean mining states. The military application of these technologies would provide new anti-submarine warfare (ASW) capabilities, strategic deep-sea salvage abilities, and deep-water bastions for launching sub-surface ballistic missiles (SSBM's).

Three classes of technology would be placed at risk by U.S. accession to UNCLOS: 1) deep-water bathymetric and high-resolution mapping systems including advanced deep ocean visual surveillance systems; 2) sophisticated vessel station-keeping and navigation systems critical to ASW and strategic salvage operations; and 3) state-of-the-art robotics and remotely operated vehicle technology. Much of the data associated with these technologies is classified for national security reasons and is also at risk.

With or without the mandatory technology transfer provisions contained in the UNCLOS U.S. participation would provide a "legal" conduit and cover to justify the acquisition of state-of-the-art deep ocean devices and technology which have profound national security implications. Ocean mining activities by the Enterprise or third world nations, such as China or India, can provide plausible justification for successfully purchasing technologies which, in the absence of ocean mining, would likely be denied on national security grounds.

In 1995, for instance, the PRC--a nation self-sufficient in the domestic production of the principal metals derived from manganese nodules--sought and obtained sophisticated micro-bathymetry equipment from the United States, along with 6,000 meter capable video and side-scan sonar systems. This equipment may easily be misapplied by the PRC to help advance its meager ASW capability (see capability Charts 8.2 and 8.3) in support of its attempts to develop a "Blue Water" navy. This equipment can also be used to help the PRC locate undersea bastions, even within the U.S. EEZ, for their missile launching submarines.

The justification used by the PRC is its pioneer investor status awarded by the UNCLOS PrepCom in 1993. Ostensibly the equipment will be used for manganese nodule exploration within the Clarion/Clipperton fracture zone. Unfortunately, such surveys should only take for several months at sea to accomplish. In part this is due to the rapid wide-swath capability of the system they purchased and to their choice of minesite locations on, or adjacent to, heavily prospected and claimed nodule fields.

How will the PRC choose to utilize this equipment over the 95 percent of its productive life when it is not involved in nodule exploration? ASW and military submarine mapping are overwhelmingly the most likely applications. An additional factor to consider is the U.S. government's policy of imposing security classifications on many types of microbathymetry data while indiscriminately selling the equipment which is used to generate such data.

LOST Military Power

In a well-timed contribution to the debate on UNCLOS the Center for Naval Analysis (CNA) published a strong analysis on the potential for the International Seabed Authority to take on a blue water police/enforcement role in support of treaty provisions. CNA demonstrated that there is ample precedent and existing regulatory flexibility whereby, if States parties cooperate, the ISA may develop a military arm which may not only radically extend the functions and purposes envisioned for it by the U.S. and its industrialized allies but may one day directly threaten U.S. high seas and economic zone interests as well.

> The development of international maritime law, especially the Third U.N. convention of the Law of the Sea (UNCLOS III), has established a legal environment in which the U.N. could take on a variety of new low-intensity policing functions in support of international agreements. This is especially important in areas of international straits because attempts to police straits could lead to disputes, perhaps even conflicts. For many nations, this mission area could involve coast guards as well as civilian maritime agencies. (Sands)[i]

Given the ambiguity embedded in the charter, rules, regulations, and scope of the ISA as well as the highly uncertain ability of the U.S. or its allies to significantly influence events within the new organization the potential of the ISA becoming a runaway train cannot be dismissed. Some of the most likely areas where the ISA may attempt to apply naval power, according to CNA, are summarized below:

> 1. *Enforcement of fisheries regulation, EEZ arrangements and archpelagic waters.* Under UNCLOS, coastal nations have sovereign rights within 200-n.m. exclusive economic zones (EEZs). In many cases, the added responsibilities of protecting the EEZs may be beyond the capabilities of smaller navies, thus increasing the possibility of disputes. When disputes arise and when adjudication fails, or disputes involving the use or threat of force erupt, naval forces could be called on to establish U.N. maritime peacekeeping operations or to carry out Security Council-mandated Chapter VII enforcement measures.
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> 2. *Measures to protect the marine environment.* Many of the obligations undertaken under UNCLOS concern the protection of the marine environment.[ii] There is a growing understanding that military as well as commercial activities can produce adverse consequences for the maritime environment. Given the dearth of technical and financial resources military environmental issues may be ripe for international cooperation. (Miller 1993) The current laissez-faire approach to enforcement may not work, and naval forces may be asked to do more, including enforcement through the threat of the use of force.[iii] Besides enforcement, there may be roles for naval forces in surveillance and in establishing better communication for these purposes between authorities ashore and merchant vessels. Naval forces could also be called on by the United Nations to enforce the Antarctic Treaty provisions, should more be violated.[iv]
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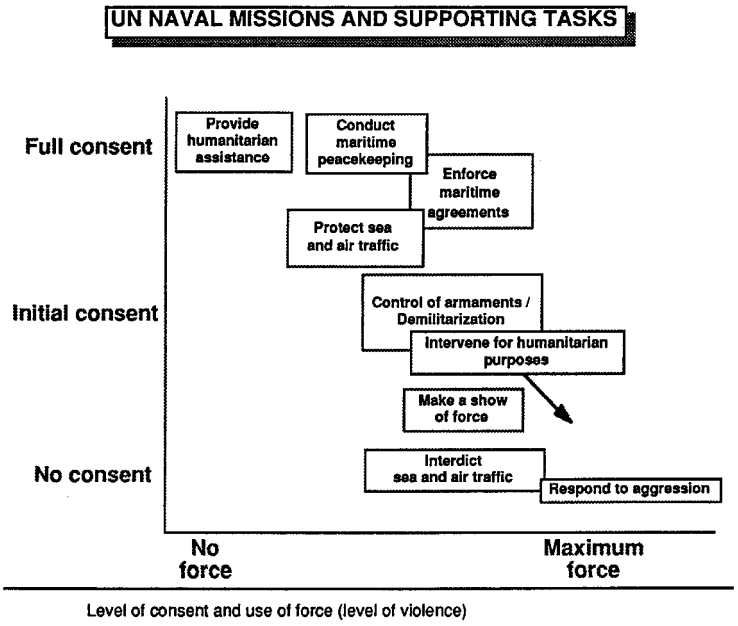
> 3. *Protect Sea and Air Traffic.* With the reemergence of piracy in littoral waters, terrorism on the high seas, and the draw-down of national naval forces, multinational naval presence and crisis response for the protection of economic resources and trade may become more important. This is true especially in the world's main navigational straits and passages, which are also its major trade routes. The sovereign immunity of warships is already questioned in some quarters. Moreover, the potential for interfering with customary international law by unilateral threats to close straits is always there. At times, multinational cooperation in this traditional naval mission area may include surveillance, mine sweeping, and convoy and escort operations, even in areas of armed conflict. It may also include greater use of maritime interception operations and the establishing of maritime exclusion zones, or blockades.

4. *Convoy and escort of selected traffic on the high seas.* As a result of increased sensitivity following revelations in Iraq, for example, the United Nations could become involved in protecting the transport of fissile material on the high seas now that Japan is shipping weapons-grade plutonium from Europe to Japan for use in its breeder reactor program. Although the Japanese Maritime Safety Agency is now operating a new escort ship designed specifically for fissile material escort, some have argued that this step alone may be insufficient for adequate protection. Several states have expressed concern about the safety of this shipment as it is transported through the Straits of Malacca, and others have told Japan that shipments will be barred from passing through their territorial waters. (Sands)[v]

5. *ISA protection of offshore assets*, primarily petroleum production platforms and deep-water off-shore port facilities such as pipeheads and ocean mining claims and operations.



Reality Check Urgently Needed

Treaty supporters keep attempting to throw up a smokescreen of empty arguments intended to mislead congress. I would go so far as to call these arguments fraudulent assertions as they are made by people who know full well that they are diversionary tactics that sound good in a hearing but do not stand up to probing or scrutiny.

The International Seabed Authority and the Law of the Sea Treaty represent the surrender, with little or no compensation, of a variety of tangible U.S. security and sovereignty equities over a geographic area encompassing 70 percent of the Earth's surface. Treaty supporters are attempting to bind this nation to a treaty and a bureaucratic organization whose basic operating principles are inimical to U.S. interests and whose political orientation views the United States as an objective to be undermined, constrained, and eventually destroyed.

Finally, I urge all Members of Congress and Committee Chairmen to exercise their inherent oversight rights and responsibilities and fully vet this Treaty for its manifold impacts upon the United States. The Treaty contains taxation, legal, borrowing, natural resource, military, and intelligence issues that need to be explored in depth by the Finance, Judiciary, Interior, Armed Services, and Intelligence Committees. In addition, I would further recommend a mandatory review by Homeland Security and law enforcement interests.

[i] For example, the U.S. Coast Guard (USCG) enforces U.S. federal 1aw on the high seas, interdicts smugglers moving drugs and illegal migrants, and enforces fisheries regulations and U S. Law and protects U.S. interests in the exclusive economic zone claimed by the U S Further. the USCG has cutters involved in detection, monitoring interdiction and operational support of third-country drug operations, and conducts joint counter narcotics training and patrols with several countries. The USCG has agreements with Japan and Hong Kong and experience in sea lines of communication (SLOC) through cooperation with the U.S. Navy.

[ii] For example, the Convention addresses the dangers of pollution from vessels exercising the right of freedom of navigation, and strengthens the powers of littoral states against polluters.

[iii] Sir Brian Urquhart, former Under Secretary-General for Special Political Affairs (the U.N. peacekeeping post), has written that the U.N. needs "a system like this: A convention exists on tankers not being allowed to clean their tanks at sea. So tank cleaning should be monitored, and once you've caught a tanker doing it at sea, and issued a couple of warnings, somebody goes out and drops a very small bomb down a funnel: 'That's it, boys, you've had two warnings to stop it. The third time down you go.' The moment that one tanker, after three warnings, goes to the bottom, I don't think there will be any more tanks cleaned at sea."

[iv] The Antarctic Treaty internationalized and demilitarized the Antarctic continent and provided for its cooperative exploration and future use. Several countries have claimed sovereignty over areas of Antarctica, claims the United States and the former Soviet Union did not recognize. Rivalry backed by the threat or use of military force for control of exploitable economic resources is still only a theoretical possibility, and one that still looms small given past scientific cooperation and the continent's isolation. Resource exploitation could in the near term raise environmental protection concerns, about which naval forces operating under a U.N. aegis could be called on to respond because of the Antarctic Treaty and the continent's location and isolation. For a text of the Antarctic Treaty, see United States (1982).

[v] With the approval of the U.S. regarding the security plan (U.S. approval is required for fuel and byproducts of U.S. origin, and U.S. warships, planes, and military intelligence satellites monitored the voyage), the first of 45 shipments over the next seven yrs left France in November 1992. The ship carrying the plutonium casks, *Aka~suki Maru,* was escorted by the Japanese Maritime Safety Agency's new 6,500-ton escort ship, *Slu'kish~'ma* Singapore, Malaysia, and Indonesia have expressed concerns about an unspecified "mishap" involving the shipments, arguing that the fissile material should not be transported through busy waterways or near densely populated areas. To date, Argentina, Brazil, Chile, Hong Kong, Indonesia, Malaysia, the Philippines, Singapore, South Africa, Uruguay, and, in a way that has caught the attention of the Japanese media, the Republic of Nauru has told Japan to keep the shipments out of its territorial waters. The United States has ruled out its passage through the Panama Canal. Others, such as the members of the South Pacific Forum, have urged that the shipments be stopped. See also (Reid; Associated Press; Sanger; Waxman; and Offley).

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